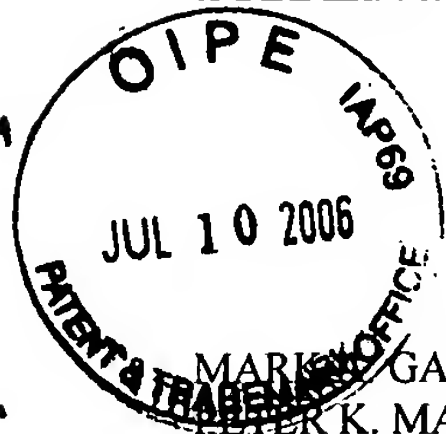


PATENT

ATTY. DOCKET: TOPP-P7.1-US



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO. : 10/651,583
IN RE APPLICANT : TOPP, Daniel P.
TITLE : APPARATUS FOR ERADICATING PESTS
FILING DATE : August 29, 2003
EXAMINER : David J. Parsley
ART UNIT : 3643
CUSTOMER NO. : 021616

To: Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER ACCOMPANYING NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Dear Sir:

Transmitted herewith is a Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences (1 pg.) that is responsive to the outstanding Advisory Action dated June 21, 2006, and the final Office Action dated March 7, 2006, in the above-captioned

application. The final Office Action set a shortened statutory period for reply that expired on June 7, 2006.

☒ Small entity status of this application pursuant to 37 C.F.R. §1.27 has been established.

☐ It is believed that no extension of term is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a Petition for Extension of Time under 37 C.F.R. §1.136(a).

☒ Applicant petitions for an Extension of Time under 37 C.F.R. §1.136 (fees: 37 C.F.R. §1.17(a) - (d) for the total number of months checked below:

Extension Months(s)	Fee For Other Than <u>Small Entity</u>	Fee For <u>Small Entity</u>
<input checked="" type="checkbox"/> 1 Month	\$120.00	\$ 60.00
<input type="checkbox"/> 2 Months	\$450.00	\$225.00
<input type="checkbox"/> 3 Months	\$1,020.00	\$510.00
<input type="checkbox"/> 4 Months	\$1,590.00	\$795.00
<input type="checkbox"/> 5 Months	\$2,160.00	\$1,080.00

☐ A Terminal Disclaimer Pursuant to 37 C.F.R. § 1.321(b) and (c) is enclosed.

☐ An Assignment (pgs.) is enclosed.

☐ Assignment Cover Sheet (1 pg.)

☐ An Information Disclosure Statement Pursuant to 37 C.F.R. §§1.56, 1.97 and 1.98 (pgs.) is enclosed.

☐ Form PTO-1449.

☐ References

☐ Fee Transmittal for FY2006 – Form PTO/SB/17 (1 pg.) is enclosed.

☒ A postage-prepaid, self-addressed postcard for the PTO to acknowledge receipt of this communication is enclosed.

☐ Other

☐ Figure ____ with amendments marked in red ink. (pg.) is enclosed.

☒ No additional claim fee is required.

☒ Payment is made by:

☐ Please charge my Deposit Account No. _____ in the amount of \$ _____. Two copies of this transmittal are attached.

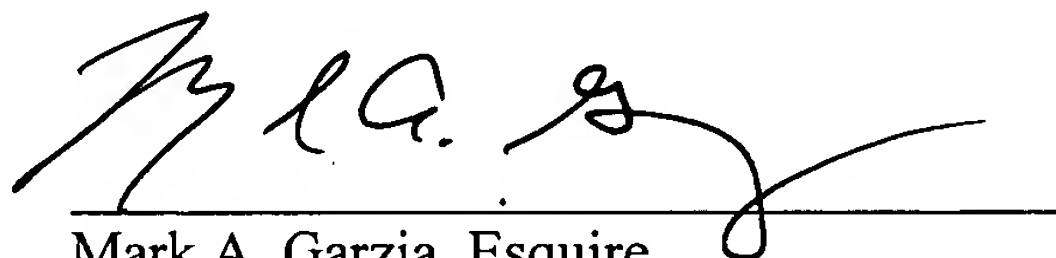
☐ Check No. _____ in the amount of \$ _____.00 to cover the extension fee is enclosed.

☒ Credit Card Payment Form PTO-2038 authorizing a charge in the amount of \$310.00 (fee for one-month Extension of Time and Notice of Appeal filing fee) is enclosed to cover the fee(s) due.

Respectfully submitted,

6 JULY 2006

Date



Mark A. Garzia, Esquire
Registration No. 35,517

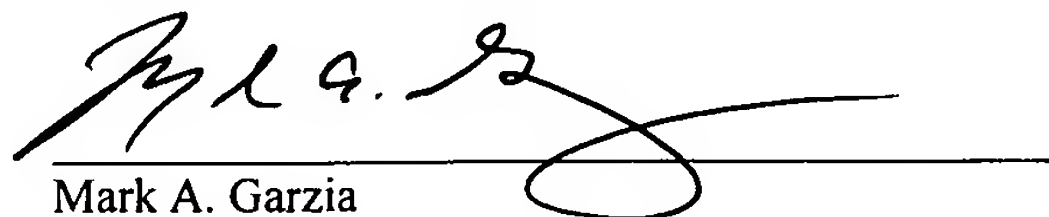
Law Offices of Mark A. Garzia, P.C.
2058 Chichester Ave.
Boothwyn, PA 19061
Telephone: (610) 485-9400
Facsimile: (610) 485-7660

* * * * *

CERTIFICATE OF MAILING

I hereby certify that this communication, along with any paper or fee indicated as being enclosed, are being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

July 6, 2006
Date



Mark A. Garzia



**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

TOPP-P7.1-US

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]
on July 6, 2006

Signature

Typed or printed name Mark A. Garzia

In re Application of
TOPP, Daniel P.

Application Number
10/651,583

Filed
August 29, 2003

For **APPARATUS FOR ERADICATING PESTS**

Art Unit
3643

Examiner
PARSLEY, David

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ 250.00

☐ A check in the amount of the fee is enclosed.

☒ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. . I have enclosed a duplicate copy of this sheet.

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 35,517

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. _____

Signature

Mark A. Garzia
Typed or printed name

(610) 485-9400
Telephone number

July 6, 2006
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

07/11/2006 HBELETE1 00000012 10651583

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